OPEN DATA IN JUDICIARY

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Contents

1. List of Abbreviations

AVP – Automated Case Management System
CTDC – Counter-Trafficking Data Collaborative
EU – European Union
ICT – Information and Communication Technologies
ILDA – Latin American Open Data Initiative
JMBG – Unique Citizen Identification Number
CSO – Civil Society Organizations
OD4D – Open Data for Development
SORS – Statistical Office of the Republic of Serbia
USA – United States of America
SAPS – Standardized Application for the Judiciary of Serbia
SCC – Supreme Court of Cassation

2. Foreword

In April 2018, the Republic of Serbia adopted the legal framework for open data through the Law on e-Government. The law establishes the procedure for requesting public authorities to release certain data in an open format. Open data refers to publicly accessible data that is suitable for further machine processing. In the first three years of the law's implementation, there was only one successful case of a request for the reuse of data being accepted. The 2020–2025 Judicial Development Strategy obliges the Ministry of Justice to organize public consultations annually on the data eligible for publication in open format. It is unclear whether the Ministry held any consultations during 2020–2021.

This context led us to assess the need for open access to judicial data among civil society organizations and media outlets in southern Serbia. As a result, during the second half of 2020 and the first half of 2021, we conducted research titled "Assessing the Needs of Civil Society Organizations and Media in Southern Serbia for Judicial Data in Open Format." This research helped us evaluate these needs. In 2022, we also conducted a focus group discussion with experts. This publication is part of our collective efforts to address this issue.

The author of the publication is Ivan Grujić, Director of the Association Agency from Leskovac. He was supported in the research and preparation of this publication by Milica Stanković and Jelena Videnović, lawyers from Niš, and journalist Mihajlo Stojković, Editor-in-Chief of InfoVranjske. The idea for this publication emerged within the work of the coalition Judicial Base South (JBS), which formed the expert team involved. We would like to thank the Open Society Foundation Serbia for their support.

Mihajlo Čolak
Niš, 2022

3. Summary

Approximately two-thirds of the civil society organizations and media outlets that participated in the research indicated a need for judicial data in their work. We did not record any instances of the Ministry of Justice's open data, published on its portal, being used.[1] Moreover, none of the respondents had submitted a request for the reuse of data under the Law on e-Government.

Regrettably, representatives from the Ministry of Justice and the Supreme Court of Cassation declined to participate in the research. Of particular concern is the Ministry of Justice's unwillingness to engage in discussions with civil society representatives and its failure to organize public consultations on open data in 2020. For the purposes of this research, we conducted interviews with representatives from civil society organizations, IT companies experienced with judicial databases, judges, prosecutors, and members of the academic community.

We have outlined five recommendations to improve the process of opening judicial data:

1. The Ministry of Justice should organize public consultations on open data in the judiciary in 2021. Prior to these consultations, the Ministry should publish an analysis explaining why some public data are suitable for release, while others are not.
2. Adopt a legal framework for the publication of as much depersonalized data from court decisions as possible in open format. Specifically, depersonalized data on victims of criminal offenses, the application of the principle of opportunity, judicial experts, and cases in which the Republic of Serbia is the defendant should be published.
3. Introduce a rule in international development aid projects and government projects that public data must also be published in open formats (.xls, CSV, JSON, etc.) when they are released.
4. The Ministry of Public Administration and Local Self-Government should conduct an analysis of the implementation of the Law on e-Government to determine why, in three years, only one request for data reuse has been accepted.

[1] www.data.gov.rs (accessed on July 22, 2022)

4. Social Context

What are Open Data?

Open data refer to data that anyone can freely use and republish, without restrictions imposed by authors or other control mechanisms.[2] Although the concept itself is not new, the term "open data" has been in use since 2008, gaining popularity after certain countries initiated the release of their data. Only publicly accessible data can be published as open data. Open data cannot include personal information, classified data, or data protected by copyright.

The Ten Principles of Open Data

In 2007, representatives from 30 organizations and companies advocating for data openness gathered in California to agree on the initial principles defining what constitutes open data. Initially, there were eight principles, but by 2010 the list expanded to include ten open data principles.[3]

For data to be considered open, they must meet the following ten principles:

1. Completeness

Published data should be complete and encompass the entirety of the collected information. The original dataset should only be made public after personal data have been removed. In addition to publishing the data, their structure should also be explained using so-called metadata. If there are derived or calculated data, information on how they were derived should be provided.

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[2] **The Open Data Handbook** (2016) *What is Open Data?*, available at: https://opendatahandbook.org/ (accessed on February 17, 2021).

[3] **Sunlight Foundation** (2010) *Ten Principles for Opening Up Government Information*, available at: https://sunlightfoundation.com/policy/documents/ten-open-data-principles/ (accessed on February 17, 2021).

2. Primacy

Data provided by public authorities should be original, exactly as collected. Details about data collection and the original source documents should also be included.

3. Timeliness

Data collections should be made available to the public in a timely manner. Whenever possible, the collected information should be published immediately after collection. Real-time publication enhances the usefulness of the information.

4. Accessibility

Datasets should be easily accessible. Barriers can be physical, for instance, requiring a personal visit to an institution, submitting a request, or completing forms. Barriers can also be technological, such as when information is published in the form of an image rather than text or via Flash pages or Java applets that do not allow access without physical interaction. It is recommended that information be published in a format that can be fully downloaded, or that access is provided through a standard API interface.

5. Machine Readability

Information should be published in a way that makes it easy for machines to process. Data in the form of images, PDF documents, or Word documents are difficult to process automatically. Examples of machine-readable formats include XML or CSV, along with the corresponding metadata.

6. Non-Discrimination

Data should be available to everyone, at all times, without requiring an explanation for accessing them. There should be no barriers, such as registration or membership requirements.

7. Use of Open Standards

Open standards refer to the right to use the format in which the data are provided. For example, if the data are provided in .doc

or .xls formats, the user would need to own a software package sold by Microsoft to access them.

8. Licensing

It must be clearly indicated that the data can be freely used without restrictions, and instructions on how they can be used should be provided.

9. Permanence and Access to Archives

This principle refers to the ability to access previously published data, not just the latest versions. Along with the dataset, the time of publication should also be stated.

10. Cost of Use

The use of open data should be free. However, minimal usage costs can be charged. Minimal costs refer to the expenses of creating the database that is being published.

Why Open Data?

Providing data based on the Law on Free Access to Information of Public Importance and proactively publishing information on websites is not sufficient. **Open data represent a new way of accessing and using public information.**

Public institutions collect and generate a vast amount of data. To make better use of public data for societal development, they need to be available in the form of open data. Open data also play an important role in economic growth by fostering the development of creative businesses. **Some authors refer to open data as the "oil of the 21st century."** Research conducted by the Australian National Data Service showed that for every dollar spent on opening data or for every dollar the government forfeited, five dollars were returned to the economy. In the case of geospatial data, the return ratio is even higher, ranging from one to 18–26 dollars.[4]

[4] **Australian National Data Service** (2011) *Costs and Benefits of Data Provision*, available at: http://ands.org.au/resource/cost-benefit.html (accessed on February 18, 2021).

These proportions are not theoretical; they are based on real data and comparisons. Some countries, like Canada[5], have adopted the "open by default" rule, meaning that all data held by government bodies are provided in open format, except for personal data and other legally protected data sets.

[5] **Government of Canada** (2014) *Directive on Open Government*, available at: http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=28108 (accessed on February 18, 2021).

5. Legal Framework

Open Data in the Republic of Serbia

In 2003, the European Union (EU) adopted the Directive on the Re-Use of Public Sector Information (PSI Directive). The directive was amended in 2013 and became mandatory for all member states.[6] Based on the directive, **the Republic of Serbia adopted the Law on e-Government[7] in 2018, which defines open data as "data that are available for reuse, together with metadata, in a machine-readable and open format"** (Article 4). However, even before 2018, there were no legal barriers to publishing public data in open formats, as long as personal data, classified data, and copyrighted data were not included. **Some institutions published publicly available data in open formats even before the law was enacted.** One of the first institutions to open its data was the Ministry of Education. In 2016, the Commissioner for Information of Public Importance and Personal Data Protection depersonalized and published data[8]. This was the first institution in the Republic of Serbia, and the first Commissioner institution in the world, to publish all its public data sets (from electronic databases) in the form of open data.

The Law on e-Government introduced the possibility of submitting requests for the reuse of data for commercial or non-commercial purposes.[9]

1. **Who can submit a request?** Any natural or legal person may submit a request for the reuse of data.
2. **To whom is the request submitted?** The request can pertain to data held by state bodies and organizations,

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[6] **Official Journal of the European Union** (2013) *Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information*, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013L0037 (accessed on February 19, 2021).

[7] Official Gazette RS, No. 27/2018.

[8] **Commissioner for Information of Public Importance and Personal Data Protection** (2016) *Open Data Portal*, available at: https://data.poverenik.rs/ (accessed on February 19, 2021).

[9] Article 25 of the Law on e-Government.

provincial autonomy bodies and organizations, local self-government bodies and organizations, institutions, public enterprises, special bodies through which regulatory functions are exercised, and legal and natural persons entrusted with public authority.

3. **Content of the request:** The request must contain the following information: the name of the authority, the personal name of the requester, their address, a precise description of the data requested for reuse, as well as the form and manner in which the data should be provided for reuse. The request should also state the purpose for which the data are to be reused. Specifying a purpose does not exclude the right of the user to use the data for other purposes.
4. **Deadline for decision-making:** The Law on e-Government stipulates that the rules for exercising the right to free access to public information also apply to requests for data reuse. A decision on the request must be made within 15 days of receiving the request. If the authority cannot decide within this period, the deadline may be extended but no longer than 40 days from the date the request was received.
5. **Acceptance of the request for data reuse:** When the authority accepts the request for data reuse, it issues an official note.[10] The response to the request can either be granting access to the data or providing a copy of the data. In accordance with the request, the authority should provide the requester with data suitable for reuse (in machine-readable format).
6. **Rejection of the request for data reuse:** In case of rejection, the authority must issue a decision that the requester has the right to appeal to the Commissioner for Information of Public Importance and Personal Data Protection within 15 days. In the event of administrative silence, an appeal may be submitted to the Commissioner after the expiration of the 15-day deadline for the authority's response.

[10] Article 16 of the Law on Free Access to Information of Public Importance.

Reasons for Rejecting a Request for Reuse of Data

- *A request for data reuse may be rejected for the same reasons as a request for access to public information*: jeopardizing the health, safety, or other significant rights of individuals; compromising judicial proceedings, the execution of a judgment, or the enforcement of a penalty; seriously threatening national or public security and international relations; significantly impairing the state's ability to manage economic relations or protect economic interests, or disclosing a document containing classified (secret) information, which could lead to severe legal and other consequences for interests protected by law.[11] A request may also be rejected if it pertains to publicly available information or constitutes an abuse of the law (e.g., if the person requests an excessive amount of information or repeatedly submits the same or similar requests).
- *If the data are outside the scope of the authority's jurisdiction*. If the data were created by another party but are held by the authority in accordance with its competences, this is not a valid reason to reject the request for reuse of the data.
- *If the requested data are subject to explicit intellectual property rights*. In such a case, the authority must inform the requester about the holder of the intellectual property rights. If the authority to which the request is submitted holds the intellectual property rights, it may refuse or choose to accept the request. A copyrighted work (e.g., within a database) may be grounds for rejecting the request for data reuse if the author does not agree to the reproduction or modification of the integrity of the work.
- *If the request concerns data held by authorities providing public media services or engaging in broadcasting activities, and those data pertain to media services provided in accordance with the Law on Public Media Services and the Law on Electronic Media.* This exemption does not apply to media

[11] **Article 9 of the Law on Free Access to Information of Public Importance** (Official Gazette of the Republic of Serbia, No. 120/2004, 54/2007, 104/2009, and 36/2010).

content co-financed with public funds based on competitions under the Law on Public Information and Media.[12]

– *If the requested data are the result of research conducted by educational and scientific institutions, except for libraries within institutions of higher education.*

The Open Data Portal[13] began operating in 2017. The Law on e-Government defines the obligation of the public sector to publish data within its competence on the Portal and to provide access free of charge.[14] An exception to the creation or adaptation of a database in open format is if it requires a disproportionate amount of time or resources. In 2018, the Government of the Republic of Serbia adopted the Regulation on the Operation of the Open Data Portal[15], which further specifies the organizational and technical standards for the functioning of the Portal.

Since the adoption of the Law on e-Government (2018), we are aware of only one successful case of requesting and obtaining data in open format. On February 5, 2021, Milovan Šuvakov submitted a request to the Ministry of Education to provide him with a database in open format regarding schools' decisions on which textbooks they use and who their publishers are. The Ministry of Education provided the data in the form of an MS Excel document, suitable for further processing[16]. Based on the publication of this data, a visualization of the market share of textbook publishers in Serbia was created[17]. The Open Data Portal has published 310 datasets from 81 entities, 62 of which are from the public sector.[18]

Open Data in the Judiciary of the Republic of Serbia

Since 2018, the Ministry of Justice has been using the Open Data Portal. By April 2021, six datasets had been published: statistical data on court operations, an extract from the Register of Pub-

[12] Official Gazette RS, No. 83/2014, 58/2015 and 12/2016.

[13] **Office for Information Technologies and e-Government** (2021) *Open Data Portal*, available at: https://data.gov.rs/ (accessed on February 22, 2021).

[14] Article 27 of the Law on e-Government.

[15] Official Gazette RS, No. 104/2018.

[16] https://odi.rs/pravo-na-ponovnu-upotrebu-podataka-na-primeru-izbora-udzbenika/ (accessed on April 16, 2021)

[17] https://odi.rs/udeo-izdavaca-na-trzistu-osnovnoskolskih-udzbenika-u-srbiji/ (accessed on April 16, 2021)

[18] Data as of February 11, 2021.

lic Enforcement Officers and Deputies, an extract from the Register of Legal Entities Performing Expert Witness Services, a list of notary public offices, an extract from the Register of Mediators, and an extract from the Register of Court Experts.[19]

In the fifth section of the 2020–2025[20] Judicial Development Strategy, which addresses e-Justice, further publication of open data is planned. The Ministry of Justice committed to organizing public consultations at least once a year on the data suitable for publication in open format[21]. It is unclear whether any public consultations were held in 2020.

[19] Ministry of Justice (2021) *Open Data*, available at: https://data.gov.rs/sr/organizations/ministarstvo-pravde/ (accessed on February 22, 2021).

[20] Official Gazette RS, No. 101 from 17. July 2020.

[21] Measure 9 in the e-Justice section of the 2020–2025 Judicial Development Strategy.

6. Research Objectives and Tasks

The Government of Serbia has identified digitalization as a priority in its work. Publishing open data is one of the prerequisites for the digitalization of society. The Ministry of Justice has begun publishing judicial data in open format. When open data publication starts, the easiest datasets to release are the ones that are most organized and not "politically sensitive." However, the true value of open data lies in its reuse. What is the point of publishing hundreds of datasets if they are not being used? Therefore, it is essential to investigate the users' needs for data reuse and, based on that, create a plan for further data opening.

The objective of this research is to assess the needs of civil society organizations (CSOs) and media outlets in southern Serbia[22] for the reuse of judicial data, with a particular focus on data related to the COVID-19 pandemic.

Research Tasks

1. **Collect successful examples of judicial data reuse by CSOs and media worldwide**. Open data portals are readily available for online analysis. Special attention will be given to the reuse of data created as a result of the COVID-19 pandemic.
2. **Create a list of existing judicial datasets**. For effective research into data opening possibilities, it is necessary to compile a list of existing databases and, if possible, gather information on their quality (how suitable they are for reuse).
3. **Gather information on the needs of CSOs and media in southern Serbia for the reuse of judicial data.**
4. **Based on the collected data, formulate recommendations for the Ministry of Justice.** This research should assist the Ministry of Justice in determining priorities for the publication of open data.

[22] Nišava, Toplica, Pirot, Jablanica, and Pčinja administrative districts.

7. Research Methodology

We applied an exploratory research method[23]. Before starting the research, we had some knowledge about open data and the progress made in the development of the legal and technical framework in Serbia. However, we lacked sufficient information on which judicial data would be useful for reuse by civil society organizations (CSOs) and the media. By using the exploratory method, we gained a clearer understanding of the problem and the objectives that were set.

Methods Used in Exploratory Research

1. **Analysis of Open Judicial Data Used by CSOs and Media Worldwide.** At the beginning of the research, we analyzed open judicial data globally and from Serbia's Open Data Portal. As part of the analysis, we also searched for open data generated as a result of the COVID-19 pandemic.
2. **Semi-Structured Interviews**[24]. These interviews were intended for employees of the Ministry of Justice and the Supreme Court of Cassation (SCC). Unfortunately, we were unable to obtain consent from representatives of these institutions to speak with their employees. Instead, we spoke with individuals from the civil sector and companies working in information and communication technologies (ICT) who are familiar with judicial databases.
3. **Online Questionnaires for CSOs and Media in Southern Serbia.** Due to the COVID-19 pandemic and to facilitate data analysis, we conducted an online survey on the views and needs of CSOs and media regarding open data.

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[23] **Exploratory research** is an informal and unstructured investigation aimed at uncovering the general foundation, conditions, or circumstances of the research problem in order to gather the information necessary to define the problem. This type of research does not follow established rules or procedures but is conducted in a creative manner, depending on the specific needs and objectives of the research.

[24] **Semi-structured interviews** involve partially planned questions, where the researcher has the freedom to spend more or less time on certain questions depending on the profile and responses of the interviewee.

A total of 46 organizations and media outlets from southern Serbia participated in the survey.

4. **Case Study Analysis of Judicial Data Opening.** At the end of the research, we were supposed to create three proposals for the reuse of open judicial data—one for CSOs, one for media, and one based on data generated due to the COVID-19 pandemic. However, due to the lack of cooperation from the Ministry of Justice and the SCC, we were unable to complete this activity.

Ethical Standards of the Research

The interviews and questionnaires did not contain personal data or the names of the participating organizations, media outlets, or companies.

8. Limitations

Unfortunately, we were unable to speak with representatives from the Ministry of Justice and the SCC regarding open data. Despite multiple attempts, we received no response to our interview proposals. This limited our understanding of the data collected by the Ministry of Justice and the SCC, as well as their plans for publishing data in open format. As a result, we were unable to conduct the fourth activity—preparing proposals for three cases of judicial data opening.

Researchers from the Judicial Base South coalition investigated the needs of CSOs and media regarding data opening. However, without basic information about the databases in the Ministry of Justice and the courts, we are unable to make recommendations for further data opening.

The Ministry of Justice's silence is particularly concerning, given that the 2020–2025 Judicial Development Strategy obliges the Ministry to organize public consultations annually on data suitable for publication in open format. If there had been a genuine interest in dialogue with civil society on open judicial data, they would have agreed to participate in this research. Further alarming is the fact that the Ministry of Justice did not fulfill its obligation to hold public consultations on open data in 2020.

To gather additional information, we organized a focus group with judges, prosecutors, judicial assistants, and representatives from academia. The opinions and views of the focus group participants are presented in section 9.4 of the research.

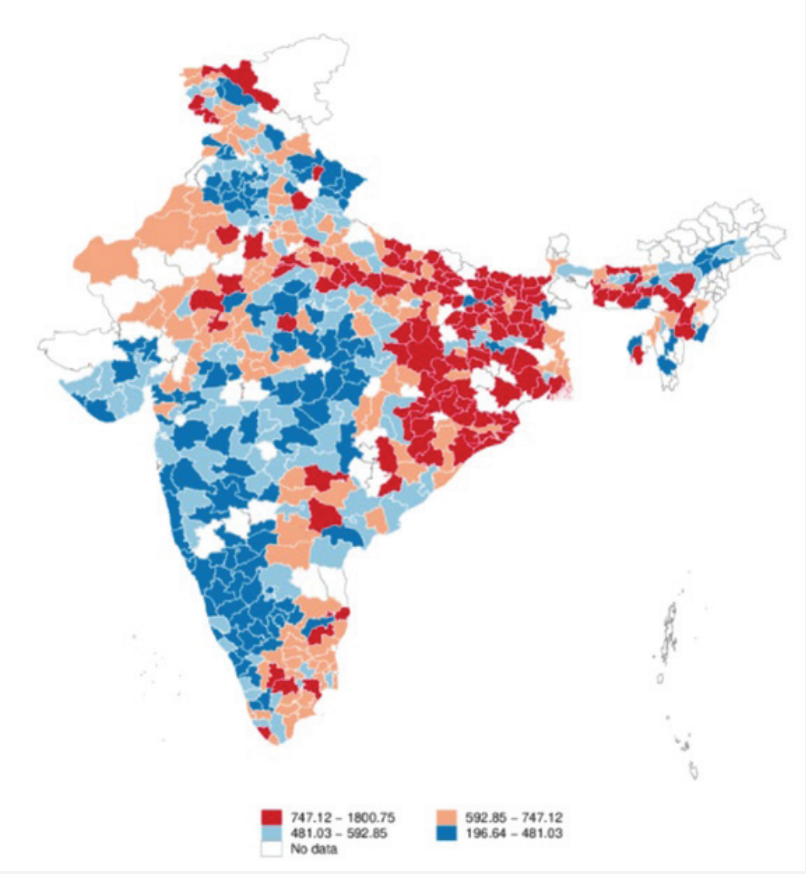
9. Findings and Discussion

9.1. Comparative Analysis of Judicial Data Opening

At the beginning of this research, we analyzed experiences from other countries on how civil society organizations (CSOs) and media use open judicial data. By showcasing positive examples from around the world, we aim to highlight the potential uses of open judicial data and encourage further data opening in Serbia.

Open Data from Lower Courts in India

In 2013, India launched the e-Judiciary platform, where data from lower courts in India are publicly accessible. The e-Judiciary platform provides information such as the dates of case filings,

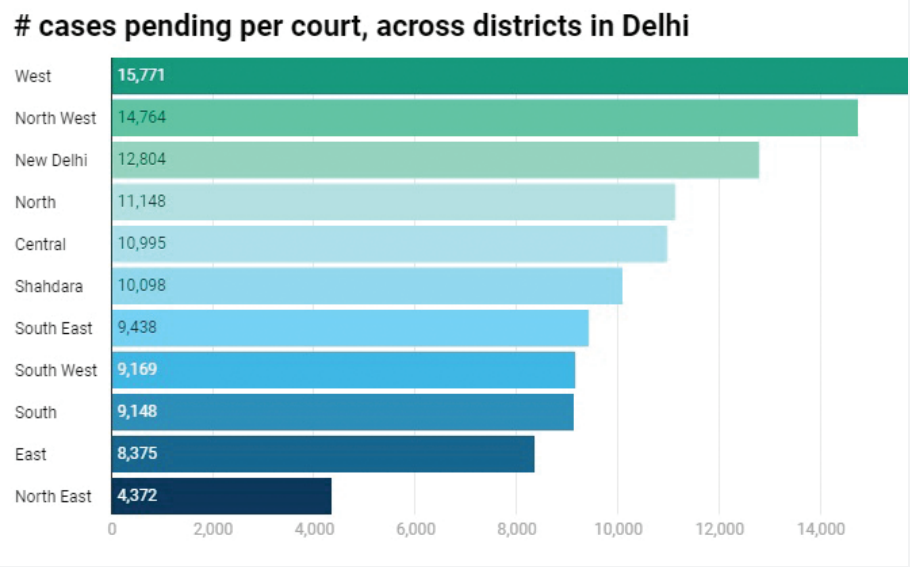


registration of submissions, hearings, issuance of court decisions, the presiding judge's status, case file numbers, and final court decisions or rulings. This platform represents the largest open judicial data repository in the world.

Using this database, the non-profit organization Data Development Lab[25] conducted research on 80 million cases between 2010 and 2018 from around 7,000 lower courts in India. They studied the duration of court proceedings, the representation of women and Muslims in courts, and the impact of a judge's gender and religion on the sentencing of criminal offenders, among other topics.

The research revealed that the duration of court proceedings in India varies significantly depending on the court or region, with average durations ranging from 149 to 1,800 days (up to 12 times longer)[26].

Researchers also found substantial differences in the number of open cases between lower courts in different areas of Delhi. For example, the lower court in West Delhi had 3.6 times more open cases than the court in Northeast Delhi.



[25] http://www.devdatalab.org/ (accessed on February 23, 2021)

[26] https://devdatalab.medium.com/big-data-for-justice-f53e0e14c9c9 (accessed on February 23, 2021)

The research also showed that although women make up 48% of the population, they account for only 28% of lower court judges. Similarly, India's 200 million Muslims represent 14% of the population but only 7% of judges in lower courts. The researchers sought to determine whether these disparities resulted in worse judicial outcomes for women and Muslims. Through a complex process of comparing conviction rates across different social groups, they uncovered somewhat surprising but encouraging findings. The researchers found no evidence of bias in sentencing decisions based on gender or religion when there was a difference between the participants in the case and the presiding judge in India's lower courts. In other countries, judicial decisions have varied depending on the participants and the judge. For instance, in Israel, an Arab defendant may expect a lighter sentence if the judge belongs to the same ethnic group. In the United States, women are more likely to win a lawsuit related to gender discrimination if the judge presiding over the case is a woman.

If police and prosecution services in India were to publish their data in open format (after an indictment has been filed, a court proceeding has ended, or a decision not to prosecute has been made), a clearer picture of discrimination against women and Muslims in society would emerge.

The example from India could be applied in Serbia. It would be highly beneficial to publish depersonalized data on participants in judicial proceedings (victims, judges, lawyers, witnesses, prosecutors, experts, etc.) and court decisions in an open format. Based on such data, an academic institution, institute, state agency, or CSO could analyze court decisions and propose ways to improve processes in the judiciary.

For instance, when data on mortality rates in public hospitals were published in the United Kingdom, it was revealed that some hospitals had mortality rates 50% higher than the national average. The publication of this data led to improvements in hospital operations. Hospitals with higher mortality rates reduced their rates to the national average.

2. CTDC – The First Global Human Trafficking Data Database

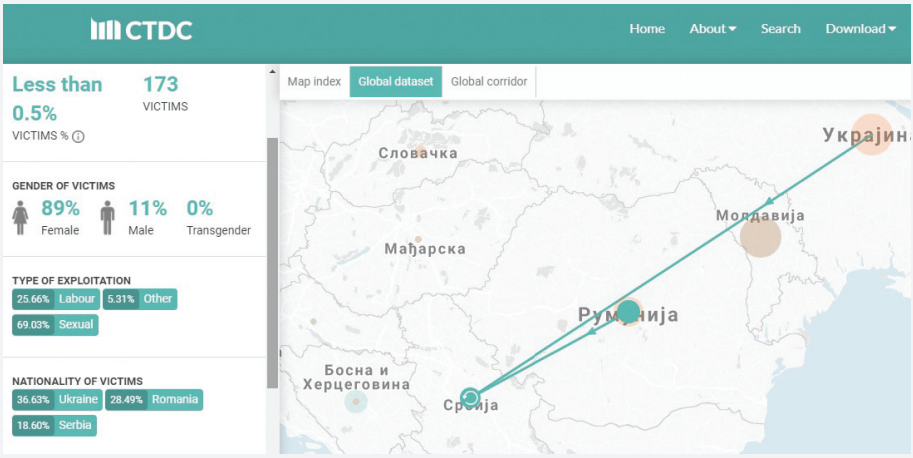
The CTDC portal[27] (Counter-Trafficking Data Collaborative) was established in 2017 as an initiative of the UN's Internation-

[27] https://www.ctdatacollaborative.org/ (accessed on February 24, 2021)

al Organization for Migration[28], POLARIS[29], and Liberty Shared[30]. Data exchange via this platform operates on a two-way basis between NGOs and CTDC. The portal offers the ability to download datasets as well as various visual representations of relevant data that can also be downloaded.

The portal provides data on human trafficking victims, including age, gender, country of origin, and other characteristics. It also offers regional analyses, research on trends and emerging changes, as well as filtering options, cross-data comparisons, and various visual representations of the requested data.

CTDC holds data on 173 human trafficking victims in Serbia. The majority of those exploited are women—89%. Victims predominantly come from Ukraine (36.6%), Romania (28.5%), and Serbia (18.6%).



In Serbia, data on human trafficking victims are not published in open format. The UN's International Organization for Migration most likely provides data in open format to CTDC.

Publishing data in open format is not limited to public institutions. It would be interesting if organizations dealing with human trafficking published depersonalized data, such as from SOS hotline databases, in MS Excel format. These data could then be compared with open data from the police, prosecutor's offices, and courts on human trafficking. Such comparisons could help analyze barriers to the state's protection of human trafficking victims.

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[28] https://serbia.iom.int/sr (accessed on February 24, 2021)
[29] https://polarisproject.org/ (accessed on February 24, 2021)
[30] https://libertyshared.org/ (accessed on February 24, 2021)

3. Developing Standards for Opening Data on Femicide[31]

In 2012, a program was established in Latin America for open data research, called ILDA (Iniciativa Latinoamericana por los Datos Abiertos)[32], which is a regional branch of the global OD4D initiative (Open Data for Development)[33].

In 2017, ILDA began working with the Ministries of Justice of Argentina and Costa Rica on developing standards for opening data on femicide. They reached several conclusions[34]:

- Government and civil society may interpret the same datasets differently.
- It is crucial to establish institutional mechanisms that ensure data availability with varying levels of access.
- Most data requiring publication are entered manually, so the standardization system should be adapted to this process.
- There is a lack of gender sensitivity in the police and judiciary when collecting data on femicide, which necessitates additional training for personnel.
- Protocols for reviewing femicide cases need to be introduced, as they are sometimes misclassified initially.
- Standardization should assist countries in comparing their data and adopting public policies accordingly.

In Serbia, detailed statistics on crime victims are not maintained. First, judicial statistics need to collect more detailed data on victims, including victims of femicide. Depersonalized (public) data on victims can be published in open data format, including gender, year of birth, place of residence, location of the crime, details of the crime committed, information about the criminal sanction, whether confiscated property was returned, whether damages were compensated, whether the victim is alive or deceased, and more. These data should be published in a way that does not

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[31] **Femicid** is a term that refers to the killing of women. One of the first individuals to use this term was Diana Russel, who defines femicide as "the killing of women by men because they are women."

[32] https://idatosabiertos.org/en/ (accessed on February 24, 2021)

[33] https://www.od4d.net/ (accessed on February 24, 2021)

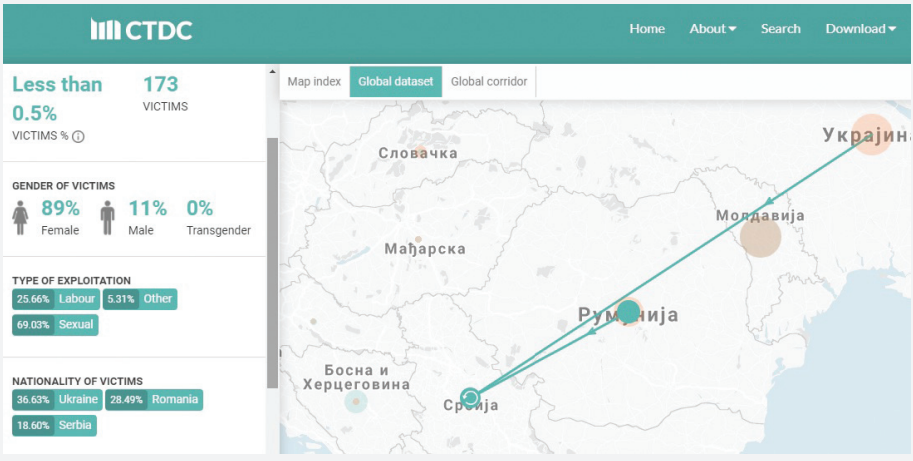
[34] https://idatosabiertos.org/en/proyectos/estandardatosfemicidios/ (accessed on February 24, 2021)

reveal the identity of the crime victims. Publishing such data will enable analysis of crime victims and help create proposals for improving public policies in the judiciary.

4. Data on COVID-19 Infections and Deaths in U.S. Prisons

In 2017, the United States passed the Open Government Data Act[35], which mandates federal agencies to publish information on an official website[36] in the form of open data, using standardized machine-readable formats. This site, in addition to federal data, also contains information from states, cities, and other entities that have decided to make their data publicly available. Among these are federal and state agencies responsible for the execution of criminal sanctions, which publish data on the number and demographics of inmates in U.S. prisons.

The *Marshall Project*[37], a nonprofit journalism organization dedicated to reporting on the U.S. criminal justice system, particularly focusing on racial equity, utilized data on the number of people in U.S. prisons.[38]



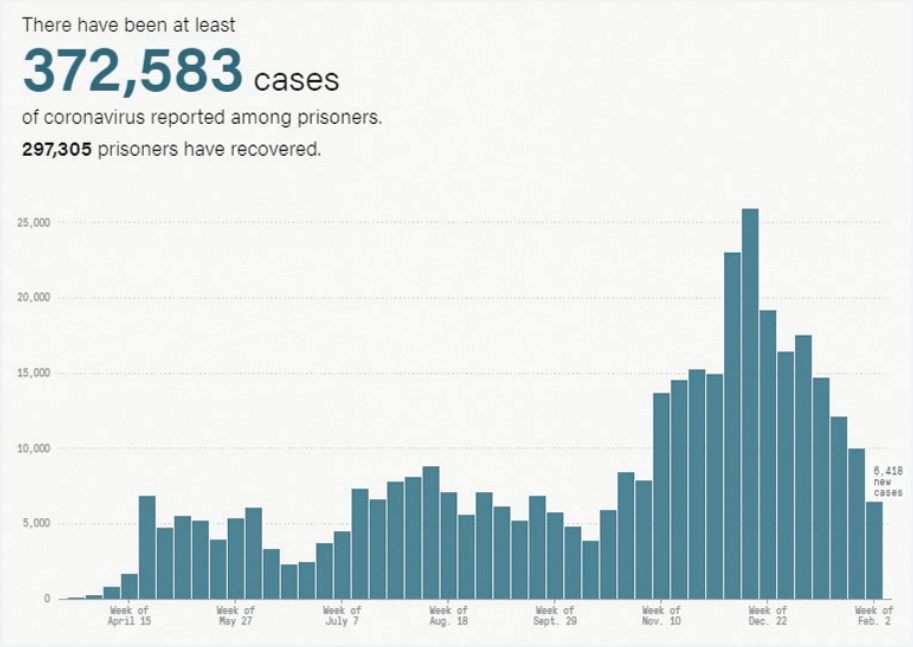
[35] **The United States Congress** (2017) *Open Government Act*, available at: https://www.congress.gov/bill/115th-congress/house-bill/1770 (accessed on February 25, 2021).

[36] https://www.data.gov/ (accessed on February 24, 2021)

[37] https://www.themarshallproject.org/about?via=navright (accessed on February 25, 2021)

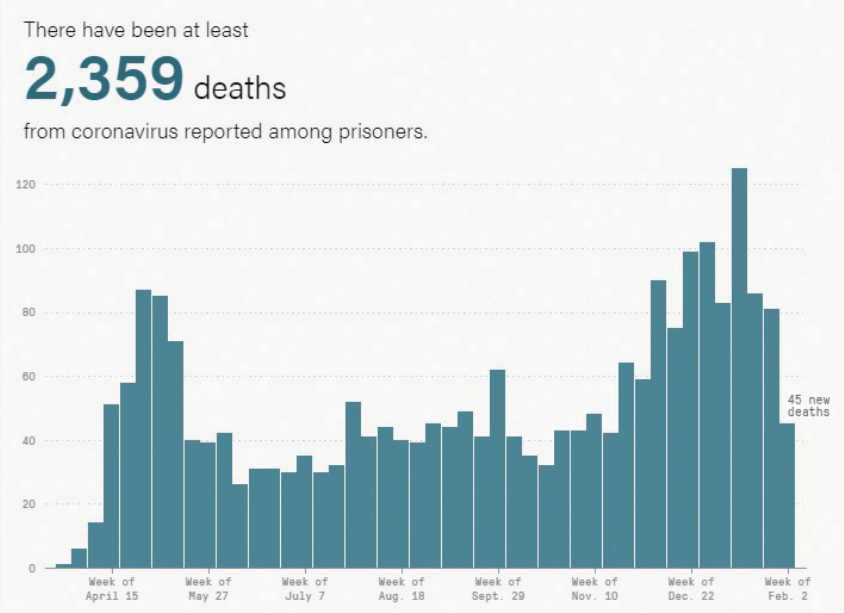
[38] https://www.bop.gov/about/statistics/statistics_inmate_age.jsp (accessed on February 25, 2021)

In collaboration with the Associated Press, the *Marshall Project* monitored the spread of the COVID-19 pandemic in U.S. prisons. In addition to inmate data, they also used publicly available data such as state budgets to gather information on prison staff in various states, reports from NGOs, and information obtained through freedom of information requests. They combined this data with the number of infected individuals in each state and illustrated how the virus spread among the prison population and staff.



This analysis by the *Marshall Project* is regularly updated with new data to provide an accurate picture of the situation in U.S. prisons concerning the spread of the coronavirus[39]. Given that the U.S., like the rest of the world, continues to struggle with the pandemic, as of the time of writing this research (2021), it is not yet possible to obtain reliable data on the effects of this analysis. However, its significance is underscored by the fact that while the U.S. population constitutes 5% of the global population, a staggering 20% of the world's incarcerated population is in U.S. prisons.

[39] https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons (accessed on February 25, 2021)



In Serbia, it has not been possible to find or separate news about the number of infected or deceased prisoners and detainees from the general figures published. Nor is there information on the number of infected, sick, or deceased individuals working in penal institutions and prisons. Some media outlets, which have sporadically reported on this, used unofficial sources or directly contacted the Administration for the Execution of Criminal Sanctions. Considering the unique living conditions in closed institutions, there is certainly potential for research on how the virus spread among the heterogeneous prison population. In December 2020, a protest was held in Niš by people whose family members were serving sentences in a correctional facility in that city. The cause of the protest was reportedly poor epidemiological conditions and inadequate medical care[40], which the Administration for the Execution of Criminal Sanctions denied.

In Serbia, the daily number of people diagnosed with the coronavirus is published. However, this is insufficient. We do not know the number of new infections, nor do we know how many people tested positive for the second or third time. Until June 2020, the Ministry of Health's website dedicated to the coronavirus[41] con-

[40] https://www.juznevesti.com/Drushtvo/Clanovi-porodica-zatvorenika-isped-niskog-KPZ-a-traze-amnestiju-zbog-epidemije-i-uslova.sr.html (accessed on February 25, 2021)

[41] https://covid19.rs/ (accessed on June 22, 2022)

tained data on the number of infections by municipality and city. In 2021, data on the residence of infected individuals is provided to the media by the Institute of Public Health, but it is no longer available on the website. All this data should be available in open format. The Coalition for Free Access to Information requested that the Institute of Public Health "Batut" publish depersonalized data from the so-called COVID database[42]. By the end of this research, the request had not been granted, despite it being a requirement under the Law on e-Government.

A more advanced level of publishing open data on individuals infected with the coronavirus would also include data on the number of infections in prisons. Approximately 11,000 people are incarcerated in Serbia. The Administration for the Execution of Criminal Sanctions at the Ministry of Justice is well-organized and has a large amount of data. We believe that it would not be technically difficult to publish the number of individuals infected with COVID-19 who are serving criminal sentences.

5. Does COVID-19 Discriminate Based on Race?

The following example, also from the United States, shows how civil society organizations, in partnership with media organizations and academia, contribute to understanding how the virus spreads through different communities. The COVID Racial Data Tracker[43] was launched by *The Atlantic*[44] and the Boston University Center for Antiracist Research[45].

This project uses open statistical data published by each federal unit, with some including demographic and racial characteristics of patients and the deceased, while others do not.

Thanks to the racial data on COVID-19 cases, they were able to create a database that is used by researchers, analysts, and even policymakers at the White House. The White House publishes updates on its website[46] showing the progress of its pandemic strategies and demonstrating the effectiveness of those strategies.

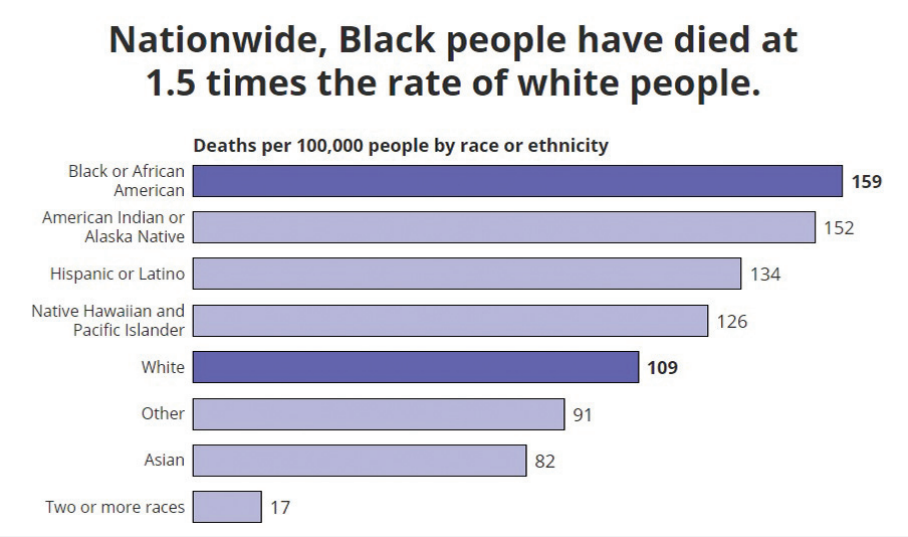
[42] **Human Rights Committee** (2020) *Statement of the Coalition for Free Access to Information*, available at: https://chrin.org.rs/aktivnosti/javnost-jos-ceka-potpune-i-proverljive-informacije-o-testiranim-obolelim-i-preminulim-osobama-iz-informacionog-sistema-covid-19/ (accessed on February 26, 2021)

[43] https://covidtracking.com/race (accessed on February 26, 2021)

[44] https://www.theatlantic.com/world/ (accessed on February 26, 2021)

[45] https://www.bu.edu/antiracism-center/ (accessed on February 26, 2021)

[46] https://www.covidexitstrategy.org/ (accessed on June 22, 2022)



The data revealed that, per 100,000 people, African Americans are dying 1.5 times more frequently than white individuals.

In Serbia, the Ministry of Health publishes the number of confirmed COVID-19 cases and deaths. If data from the Ministry of Health were compared with data from the special electoral lists for minority councils, it would be possible to determine whether the pandemic has disproportionately affected certain ethnic communities in Serbia. However, the legal basis for comparing these two databases needs to be verified.

6. Comparative Analysis of COVID-19 Mortality Rates

The British media outlet *The Economist*[47] used open data published by EuroMOMO (European mortality monitoring activity)[48] and other data released by countries worldwide to conduct an analysis comparing deaths in the same period before the pandemic with deaths during the COVID-19 pandemic. The analysis includes deaths officially registered as caused by COVID-19 and the overall death count in each country. Using these data, they graphically represented the difference between the recorded number of deaths and the number of deaths that could have been expected based on historical mortality trends. This difference is referred to

[47] https://www.economist.com/graphic-detail/coronavirus-excess-deaths-tracker (accessed on April 8, 2021)

[48] https://www.euromomo.eu/ (accessed on February 26, 2021)

as “excess deaths.” It shows how the pandemic has increased the overall mortality rate in Europe, the U.S., and several other countries and major cities, such as Moscow. As of March 9, 2021, Serbia ranks seventh in excess deaths.

The World Health Organization defines “excess deaths” as mortality above the expected number based on mortality rates in a population during non-crisis periods. This phenomenon is attributed to crisis conditions and can be presented either as a rate or a number. *The Economist’s* analysis also highlights the gap between the total number of deaths and the number of deaths officially recorded as COVID-related. This gap includes cases where COVID-19 is suspected to be the cause but the person was not tested, as well as cases where people may have died because they could not access healthcare due to overwhelmed hospitals. Each country needs to further investigate this discrepancy to determine the true impact of COVID-19 on the population.

Excess deaths since country or city’s first 50 covid deaths

Last updated on March 9th

COUNTRY / CITY	TIME PERIOD	COVID-19 DEATHS	EXCESS DEATHS	EXCESS DEATHS PER 100K PEOPLE
Peru	Apr 1st-Feb 28th 2021	46,270	116,480	355
Russia	Apr 1st-Jan 31st 2021	72,010	425,290	291
North Macedonia	Apr 1st-Dec 31st 2020	2,490	5,690	274
Bulgaria	Apr 20th-Feb 14th 2021	9,580	18,930	272
Lithuania	May 25th-Feb 14th 2021	3,020	7,510	269
Mexico	Mar 29th-Jan 2nd 2021	128,360	307,770	257
Serbia	Apr 1st-Jan 31st 2021	4,000	17,090	247
Ecuador	Mar 1st-Jan 31st 2021	14,860	41,130	239
Moldova	Apr 1st-Dec 31st 2020	2,980	5,870	222
South Africa	Apr 12th-Feb 20th 2021	48,920	128,560	219
Poland	Mar 30th-Feb 14th 2021	40,780	79,300	207
Romania	Mar 30th-Dec 27th 2020	15,190	39,830	206
Bolivia	May 1st-Aug 31st 2020	4,960	23,620	203
Portugal	Mar 23rd-Feb 7th 2021	14,140	20,720	201

What's significant is that *The Economist* made all the data from its "excess deaths" analysis publicly available and free for download and further analysis[49]. A group of researchers from *Towards Data Science*[50] downloaded these data and conducted an independent professional review of the accuracy of *The Economist's* analysis. The importance of these analyses, performed by *The Economist* and EuroMOMO, has been recognized by the World Economic Forum, which notes that while these analyses may not be the most precise, they offer a rough indication of how effective government efforts have been in combating the virus. The UNDP also emphasized the importance of comparing mortality rates during the crisis, noting that while these data are not perfect indicators of COVID-19 deaths, they provide a valuable measure of the seriousness of the current situation.

For the purposes of this analysis, we compared excess deaths in Serbia with other countries (mostly from Europe). We collected data on deaths from 2015 to 2020 from the websites of national statistics institutions. We started with these data because death records in Europe are well maintained. We then calculated the average annual number of deaths from 2015 to 2019 and compared this with the total number of deaths in 2020[51]. The difference in 2020 was presented as a percentage, allowing us to compare countries with different population sizes. This provided fairly reliable and straightforward data on how the COVID-19 pandemic impacted mortality. Some people died from COVID-19, while others died because they could not receive other medical care due to hospitals being overwhelmed. All of this is a consequence of the pandemic and the response by the state and society.

We searched for data from all national statistics institution websites in Europe, but we were only able to find data for 24 countries. We also added data for Canada and the U.S.

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[49] https://github.com/TheEconomist/covid-19-excess-deaths-tracker (accessed on February 26, 2021)

[50] https://towardsdatascience.com/quick-uncertainty-estimates-for-covid19-excess-mortality-1e39e6c94bd7 (accessed on February 26, 2021)

[51] In the first quarter, preliminary data for the previous year are published, and minor adjustments may be made when the final data are released. However, this will not significantly affect our analysis.

	Country	Average Annual Deaths 2015-2019	Average Annual Deaths 2015-2019	Percentage Change
1.	Norway	40.750	40.611	- 0,3
2.	Denmark	53.534	54.645	2
3.	Finland	53.755	55.663	3,5
4.	Croatia	52.745	56.677	7,5
5.	Germany*	931.182	1.001.482	7,5
6.	Canada	275.205	296.373	7,7
7.	Sweden	90.962	98.124	7,9
8.	France	604.400	658.000	8,9
9.	Greece	121.954	132.966	9
10.	Hungary	130.291	143.161	9,9
11.	Slovakia	53.524	59.089	10,4
12.	Portugal	111.197	123.679	11,2
13.	Netherlands	150.319	168.566	12,1
14.	Serbia	102.270	114.954	12,4
15.	Montenegro	6.483	7.293	12,5
16.	Bosnia and Hercegovina	37.855	42.803	13,1
17.	Switzerland	66.882	76.001	13,6
18.	England and Wales	532.077	608.002	14,3
19.	Bulgaria	108.819	124.735	14,6
20.	Czech Republic	111.130	129.289	16,3
21.	Belgium	109.511	127.427	16,4
22.	Italy	635.889	746.146	17,3
23.	Slovenia	20.221	23.891	18,1
24.	USA	2.792.885	3.358.814	20,3
25.	North Macedonia	20.275	25.049	23,5
26.	Albania	21.956	27.605	25,7

*For Germany, we could not find the number of deaths for 2015, so the average was calculated from 2016 to 2019.

Serbia ranks in the middle of the list, with a similar number of "excess deaths" as Montenegro and Bosnia and Herzegovina. Norway is ranked best, as the COVID-19 pandemic did not result in any change in the average number of deaths in 2020 compared to the five years before the pandemic. Denmark and Finland also had very low excess deaths in 2020, while Sweden showed a significantly higher number of excess deaths compared to its neighbors. The highest increases in deaths in 2020 were in North Macedonia and Albania, with increases of about a quarter compared to the five-year average before the pandemic. It would be interesting to compare these data with those from 2021 to evaluate the effectiveness of vaccination and different types of vaccines, as the ultimate goal should be reducing death rates.

If all the mentioned data were available in open format, it would allow for various other analyses and visualizations of COVID-19 data.

9.2. Responses from Associations and Media from Southern Serbia Regarding the Opening of Judicial Data

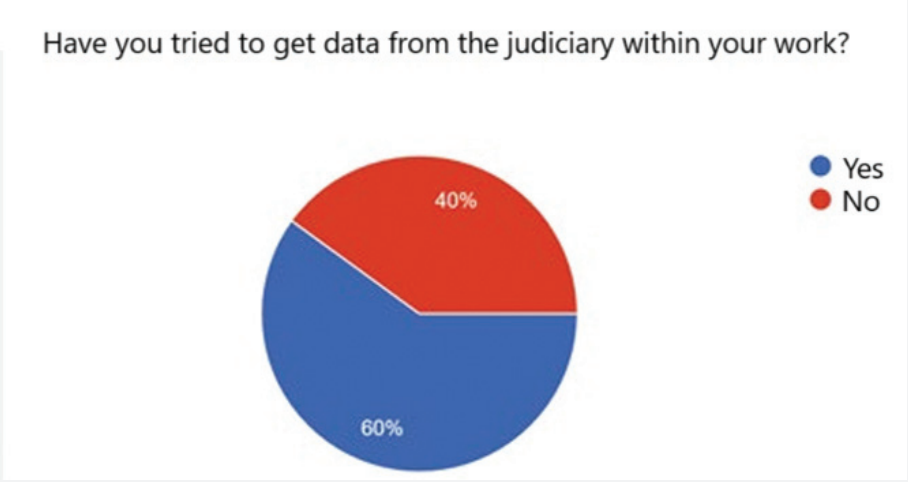
In September and October 2020, we sent an online questionnaire to 46 associations and 23 media outlets from southern Serbia, inquiring about their needs for the opening of judicial data. We received 46 responses, 35 from associations and 11 from media outlets.[52]

The associations that participated in the research mainly focus on public advocacy, children and youth, social services, and environmental protection.

Among the media respondents, most were internet portals (7), with two local television stations and two radio stations. In 70% of cases, the media's publisher was an individual or a company, while in 30%, it was an association or foundation.

Out of the 46 responses, most came from Niš (17), Vranje (12), Leskovac (11), and Pirot (4), with one response each from Vlasotince and Bujanovac.

Most respondents indicated that they had attempted to access judicial data in their work.



[52] Responses were submitted by 76% of the invited associations and 48% of the media outlets.

Among those who attempted to obtain judicial data, 75% had requested data more than three times (the largest group), while 25% requested data twice.

Of the 18 respondents who did not use judicial data, 15 said they had no need for such data, while three said they needed the data but did not know how to access it. **This means that two-thirds of respondents (67%) needed judicial data in their work.**

We asked respondents if they were able to obtain the data they requested. Two-thirds of respondents received a response from the judiciary. Most commonly, they accessed data through direct inquiries to the Ministry of Justice, courts, prosecutor's offices, or the Attorney General's office (92.6%). Only 3.7% said they used an electronic service to track court rulings, access judicial practices, or access statistical data published online. The most common reasons respondents cited for being unable to obtain data were: the authorities did not respond, and they could not find the data on the institution's website.

When we asked respondents if they wanted to describe in more detail why they did not receive the data, we received two responses:

- The court in Niš is not accessible to users in wheelchairs.
- Limited manipulation, as the statistical charts we viewed were not in a format that allowed easy and simple processing/importing into the database we wanted to create. Also, these were general data that were insufficient compared to our research methodology and result categories.

Respondents rated the process of obtaining judicial data poorly regarding the time it took to receive the data (1) and the clarity of the data (2). However, they praised the quality and usefulness of the data (3)[53]. We emphasize that the poor ratings related to delays in obtaining the data and clarity can be easily improved by publishing the data in open format and visualizing them.

When we asked respondents what they used the requested judicial data for, we received the following answers:

- Resolving cases involving our clients regarding violations of their rights;
- Requested rulings from the Administrative Court in cases involving participants in media tenders against local governments; the data were used for research into what participants most often complained about to the Court, the

[53] The ratings range from 1 to 5, with 5 being the highest rating.

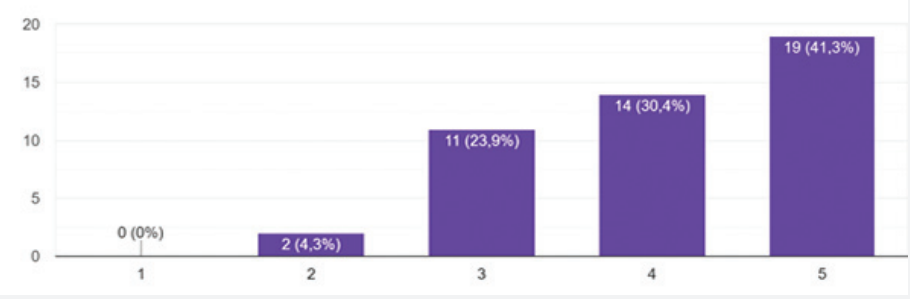
nature of the Court's decisions, and how the established protection mechanism functions;
- For projects we were working on; – To obtain information on the progress of a particular case;
- To prove compliance with legal regulations for the work of the association;
- For television programs and further processing of information related to the subject of the text;
- For regular activities and the development of the SOS phone program;
- For informing citizens, specifically for daily news programs and portal news;
- For investigative articles to illustrate certain topics, such as the rise in domestic violence during the state of emergency, or to follow certain proceedings and cases in Higher and Basic Courts.

We did not record any cases of the judiciary's open data being used from the Open Data Portal of the Republic of Serbia[54]. One respondent mentioned having used judicial data multiple times, but when asked which data they used, they referred to the case tracking and judicial practice publication service, which does not qualify as open data.

None of the respondents had submitted a request for the reuse of data.

We asked all respondents, regardless of whether they had used judicial data before, to rate if such data could be useful in their future work:

- "Regardless of whether you have used judicial data in the past, do you believe it could be useful for your organiza-



[54] data.gov.rs (accessed June 22, 2022)

tion in the future?" Respondents were asked to rate on a scale from 1 to 5.

When asked how they could use judicial data in the future, associations and media provided the following responses:

- Certain research we conducted (e.g., regarding the responsibility of local authorities and corrupt activities) could be supported by official information obtained from judicial authorities, providing a broader and higher-quality insight.
- If we had access to open judicial data, we could familiarize our community with the judicial system through various analyses.
- Judicial data is needed for the work of both NGOs and portals; NGOs could more easily approach donors to influence local policy changes, while media could regularly inform citizens.
- Open data on the application of the principle of opportunity, where the accused and prosecutor reach a plea deal involving monetary compensation instead of criminal proceedings, would be useful—what are the types of crimes for which this principle is applied, monetary amounts, profiles of the accused, where the money goes, and so on.
- As an organization that also deals with consumer protection, we plan to request data on consumer disputes and how these disputes are handled.
- Open judicial data is very important for the development of the NGO sector and the media; having continuous access to data would allow us to adapt and improve our work methods.
- It is needed for more comprehensive citizen information.
- Judicial data would be important for us if we were applying for or partnering on a project related to judicial transparency or fighting corruption in the judiciary, which is a topic of interest to us as an organization.
- As an organization that provides social protection services to women victims of domestic and intimate partner violence, it would be very helpful to know how many women contact relevant institutions, whether coordination bodies meet, how many women have had risk as-

sessments and safety plans made... A unified database of which institutions women contacted before seeking our support would be invaluable.

- Given our extensive experience, we believe we do not need this data.
- The data is needed to prove compliance with the legal conditions for the operation of the organization.
- We are an organization for persons with disabilities, and whether we need the data depends on the program activities we implement.
- Judicial data is essential for media work, primarily for the benefit of citizens. When data is not public, the media speculate, which further erodes both the media and the public. If the judiciary were fully open, citizens would know the truth and could verify media reports, benefiting everyone.
- Primarily for insight into the judicial practice at the lower and higher court levels.
- For creating investigative journalistic pieces.
- It is always necessary to have official information.
- Judicial data would be highly useful as evidence for the provided information; media work would be easier if such institutions were more open.
- To improve the protection of women and girls from domestic and intimate partner violence.
- Data on resolved discrimination cases, legal capacity, and guardianship.
- For better citizen information and advocating for better conditions for journalists.
- For writing investigative pieces and implementing various projects. We are an NGO that founded an internet media outlet.
- For daily reporting and work.
- Relevant and statistical data obtained from these institutions illustrate transparency and certain topics.
- We researched the issue of illegal logging and the relationship between the prosecutor's office and courts regarding these cases, and we plan to continue studying

the judiciary's response to environmental protection issues, so court data will be needed.

- We deal with topics such as violence, inclusion, and discrimination in prevention and intervention in inclusive education. We also conduct research, and data would greatly benefit our program creation in these areas.
- We are licensed providers of the social service SOS phone for women and children victims of domestic and intimate partner violence, so data exchange is crucial for the benefit of our clients.
- Regarding a specific case.
- Gathering information to improve the organization's work and avoid future oversights.
- There is no immediate need, but it is important that judicial data always remains accessible to the public.
- Data on the number of rulings in domestic violence cases, human trafficking cases, child marriages, and discrimination cases.

At the end of the survey, we asked respondents whether they would need data from other public sector institutions in their future work.

Respondents expressed the most interest in data from:

1. Social protection institutions
2. Public administration systems
3. Education
4. Culture and information
5. Healthcare
6. Economy and finance
7. Security
8. Environmental protection

9.3. Interview Findings with Experts on Judicial Databases

We faced challenges in finding interviewees with experience in judicial databases. While we were able to secure interviews with representatives from the civil sector and ICT companies, we were unable to gain approval for conversations with employees of the

Ministry of Justice and the Supreme Court of Cassation (SCC). The participants in the interviews were promised anonymity, and we agreed not to disclose their names or specific places of employment.

The interviewees praised the willingness of some sectors within the Ministry of Justice to collaborate. For instance, the Directorate for the Enforcement of Criminal Sanctions was commended as an organizational unit that maintains good databases and is open to cooperation. However, the judicial sector was described as less open to collaboration with civil society, which reflects our own experience.

Since 2010, courts have been using an automated case management system (AVP), which has improved this area. However, each court has its own server for storing data, leading to discrepancies in reporting. During research, different courts provided different answers to the same questions. There is a technical solution for gathering AVP data for court statistics. While the RS Open Data Portal[55] includes a section on statistical data regarding court operations, we were unable to access it. It seems that this data is no longer published in open format. The Serbian Judiciary Portal and the Judicial Traffic Light (Pravosudni Semafor) publish some statistical data on court performance, but not in an open format[56].

There is also a judicial practice database, which is divided into two parts[57]: one database is internal and accessible only to judges and their staff, and the other contains typical depersonalized judicial decisions that are public. This database was created in response to criticisms from the European Union's progress report on Serbia's accession process.

A project titled "Standardized Judiciary Application of Serbia" (SAPS) is underway, which aims to consolidate all court data in a single SCC data center. This project will facilitate the opening of data in the future. The system is expected to allow for both vertical and horizontal data searching. It will become easier to monitor court proceedings since both first-instance and second-instance trials will be trackable in one place. Currently, first-instance trial data is stored at the first-instance court, and if the case moves to a second-instance court, that court maintains its own records instead of consolidating all the case data in one system.

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[55] https://data.gov.rs/sr/datasets/statistichki-podatsi-o-radu-sudova/ (accessed July 22, 2022)

[56] https://portal.sud.rs/sr/statistika (accessed July 22, 2022)

[57] https://sudskapraksa.sud.rs/sudska-praksa (accessed July 22, 2022)

There are various ways to analyze and access judicial data. By tracking case progress, researchers can gather relevant data. This database can also provide some statistics, though with difficulty. One must set specific criteria and manually find the data. For example, to determine the number of ongoing cases related to the "reasonable time for trial" principle, one can track this through the case flow, as there is a special register. By identifying the register number, the last case number can be checked, providing the number of cases concerning this issue. Similarly, when the civil sector conducted a discrimination analysis, they tracked the number of decisions related to discrimination and found instances of "mass lawsuits.[58]"

Court statisticians who manage data can provide these in paper format or as .xls files to researchers. However, they would not share such data with the public, as it may contain personal information. If a request is made under the Law on Free Access to Information, the statistician might manually count cases, but this would not reflect the real state of affairs. It requires significant knowledge of the judiciary to navigate this process.

The Republic Statistical Office (RZS)[59] publishes judiciary data both in reports and as open data[60]. These include information on the characteristics of criminal offenders (age and gender) and the types and locations of offenses. However, there is no data on crime victims. For instance, to analyze anti-corruption measures, it is crucial to know who has been convicted of offenses related to abuse in public procurement—whether it's just the individuals who technically manage procurement or also the heads of public authorities.

Those who generate the data control it. In the judiciary, courts produce the most data, which is of particular interest to the public. The Ministry of Justice needs to select a project, secure funding, create a technical solution, and train staff. Data is entered by court statisticians, and while they are present in appellate courts, it's unclear if there are enough of them in lower courts.

Improving the process of opening judicial data should start with the digitization of lawsuit submissions. Some judicial processes have already been digitized. The Administrative Court has an

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[58] Mass lawsuits, or colloquially "masovke," are lawsuits in civil proceedings based on very similar or identical factual and legal grounds arising from a large number of rights violations.

[59] https://www.stat.gov.rs/oblasti/pravosudje/ (accessed on July 22, 2022)

[60] https://opendata.stat.gov.rs/odata/ (accessed on July 22, 2022)

electronic communication system called "eCourt[61]." When public prosecutors submit an indictment, it usually contains all the necessary information, making it easy for the court's registry to enter the data into the system. Issues arise in civil proceedings, where technical solutions allow a case to be registered with incomplete information. Judges can order lawyers (or unrepresented parties) to amend the lawsuit. However, if the party is unrepresented and uninformed, they may not know how to amend it.

Lawyers behave differently depending on whether they are representing the plaintiff or the defendant. When representing plaintiffs, they provide all the necessary data. When defending, they may withhold information. In 2014, a pilot project was launched to introduce electronic submissions of lawsuits, and a mutual agreement between lawyers and the court allowed communication via email in eForm. This worked for some time, but lawyers avoided the system when they were the defendants.

This situation needs to be systematically addressed. Other countries have resolved this issue with a single law on judicial service for all procedures. Problems in data collection also occur with "mass lawsuits." The court's registry may receive a large volume of cases, and in the rush, they may fail to enter all the data into the electronic database. Incomplete data can cause significant issues. For example, there have been instances where someone was convicted, but the court had only their name, surname, and date of birth. Without the Unique Master Citizen Number (JMBG) and address, a convicted person could change their name, making it difficult for the court to locate them.

We asked interview participants about their thoughts on the readiness of various parts of the judiciary to open data.

- The Ministry of Justice has already opened some databases under its control, and there has been no resistance in these processes. The Ministry works with a small circle of associations, and they could use assistance in organizing public consultations on opening data in the judiciary.
- Courts are ready to open numerical data, such as how many cases were submitted, how many were resolved, the age of cases, and similar statistics. However, what would happen if someone asked for the names of the five

[61] https://esud.sud.rs/home/#/login (accessed on July 22, 2022)

lawyers who received the most for court-appointed defense services? Or the percentage of court fee collections by judge, or how many judges missed deadlines for issuing verdicts? Court presidents are reluctant to release such data. However, a technical solution could be created to make the data visible. Interviewees believe that the body of judges would support this.

- Prosecutor's offices, due to the nature of their work, are closed during ongoing investigations. They become more open to the public when charges are filed.
- State Attorney's Offices hold interesting data, as some competencies from the Ministry of Justice have been transferred to them. The data on how much the state spends can be found in these offices. Citizens should be interested in how much the state pays based on European Court of Human Rights rulings versus Constitutional Court rulings, questions regarding the accountability of prosecutors and judges, and whether there are claims for reimbursement.

The interviewees were not well informed about submitting requests for the reuse of data. By the time these interviews were conducted, two and a half years had passed since the adoption of the eGovernment Law. If they are poorly informed, what can we expect from ordinary citizens?

The COVID-19 pandemic has slowed down the functioning and reform of the judiciary. The participants were not aware of how it affected the judicial databases.

9.4. Findings from the Focus Group on Open Judiciary Data

As a complement to the research, we organized a focus group to discuss the possibilities of opening judicial data. The participants in the focus group included judges, prosecutors, judicial assistants, and representatives from the academic community in southern Serbia.

The most common opinions and suggestions from the focus group participants were:

1. *Publishing Public Data from Court Decisions in Open Format*: There should be a mandatory creation of databases from future criminal and civil court rulings. After a final

criminal conviction, the presiding judge completes a so-called SK questionnaire for the Republic Statistical Office (RZS). Some of this data is published in an open format by RZS, while some are charged for access. An application could be created where a judge or court clerk enters data in electronic form, creating an open data database. This database should not include the names of judges and prosecutors but should include data about the crime, the duration of the court procedure, information about the victims, and more. Particularly interesting are court decisions in which the Republic of Serbia is the defendant, as this data reveals the compensation the state must pay for illegal actions or inactions by public institutions.

2. *Publishing Public Data on Court Experts in Open Format*: The focus group participants emphasized the problem of unclear criteria for selecting court experts, with no new experts selected since 2010/2011. Once appointed, a court expert remains on the list until death or if they request removal. The list of court experts is not user-friendly, and there is a practice of engaging certain experts more frequently than others. This data should be made public.
3. *Principle of Opportunity and Open Data*: For twenty years, Serbia has applied the principle of opportunity, or deferred prosecution. Given that this procedure ends without formal acknowledgment of guilt and that the accused pays a sum of money in exchange for not being prosecuted, the public is interested in the decisions in these cases. On the other hand, public prosecutors also want the public to better understand the results of the application of this principle to eliminate suspicions.
4. *Consider Publishing Public Data from Existing Technical Solutions for Court Databases*: Courts in the Republic of Serbia have been using various technical solutions for electronic databases for many years. One such solution is **Libra**, an integrated system designed for the operations of judicial bodies. It covers all aspects of the functioning of judicial institutions. Some parts of this information system could be made publicly accessible and suitable for publication in an open format. Utilizing existing solutions can be very useful for publishing open data.

10. Conclusions and Recommendations

In 2020, the Ministry of Justice did not organize public consultations regarding judiciary data eligible for release, despite the obligation to do so as stated in the Judicial Reform Strategy for the period 2020–2025. The Ministry of Justice was unwilling to engage in discussions with civil sector representatives on this topic.

Recommendation 1.
The Ministry of Justice should organize public consultations on open data in the judiciary. Prior to organizing these consultations, an analysis should be published explaining why certain public data are eligible for release, while others are not. A larger number of CSOs (civil society organizations) should be invited to participate in these consultations, with the support of the Ministry for Human and Minority Rights and Social Dialogue.

Our research has determined that there is a need among associations and media for judiciary data, and that greater availability of such data in an open format is essential.

Recommendation 2.
Adopt a legal framework to publish as many depersonalized data as possible from court decisions in an open format. This should particularly include depersonalized data on victims of criminal offenses, the application of the principle of opportunity, court experts, and proceedings in which the Republic of Serbia is the defendant.

There is significant support from international donors for the reform and development of the judiciary in Serbia. However, the focus is mainly on transparency, with very little attention given to the availability of data in an open format. Once a public piece of data is digitized, it is not technically challenging to publish it in an open format, and doing so can be highly beneficial.

Recommendation 3.
Introduce a rule in international development aid projects and government projects that requires public data to be published in an open format (e.g., .xls, CSV, JSON, etc.) when made available.

Three years have passed since the adoption of the Law on E-Government. Only one successful case of accepting a request for the reuse of data has been recorded. It is clear that the Law is poorly applied in practice in this area.

Recommendation 4.

The Ministry of Public Administration and Local Self-Government should conduct an analysis of the implementation of the Law on E-Government to determine why only one request for the reuse of data has been approved.